

## Amesbury Municipal Council Minutes

Tuesday, July 8, 2008

7:00 PM Town Hall Auditorium

Call to Order

Pledge of Allegiance – Councilor Neale

Roll Call – Allen Neale, Jonathan Sherwood, Mary Chatigny, Stephen Dunford, Anne Ferguson, Robert Gilday, Robert Lavoie, Joseph McMilleon, Roger Benson

Act on Minutes – June 10, 2008 Councilor Sherwood motioned to accept, Councilor Neale second – Voted Unanimous

### Public Comment

James Thivierge, 106 Friend Street – Mr. Thivierge encourages the council to keep up on fiscal vigilance. He suggests a state of the town's fiscal finances report be given in August.

Mario Pinierio – Mr. Pinierio states the proposed council pay raise is too much. He believes \$3,000 would be sufficient at this time.

### Council Response to Public Comment

Councilor Dunford states although he has heard rumors of a potential 2 1/2 override he has not heard anything official from the Mayor or anyone else.

President Benson asks to take Correspondence out of order.

### Correspondence

Councilor Lavoie read a memo from the Mayor's office stating that he will be out of town from July 12 – July 28, 2008 and President Benson will serve as acting Mayor. He also announced that the Governor will visit on Wednesday, July 16, 2008 at 6PM to host a town hall style meeting.

Councilor Sherwood announced that the Master Plan Implementation and Oversight Committee will hold the second in a series of workshops on key parts of the Master Plan. The topics to be covered will be roads and sidewalks. It will be held July 23<sup>rd</sup>, at 6:30PM at the Cultural Center.

Councilor McMilleon feels there is an excessive amount of late files and would like some sort of an explanation from the Mayor's Office as to why.

### Licenses and Permits

**2008-051** Mabardy Oil, Inc. – 108 Macy St. – Storage License

Charles Mabardy, President of Mabardy Oil – Mr. Mabardy states he is in the process of purchasing the former Mobil Station on Elm Street. He is applying for a new storage license for 3 ten thousand gallon tanks which is down 10 thousand gallons from what was previously there. He is also adding diesel.

Councilor Lavoie asks if the tanks will be new. Mr. Mabardy states they will be new double walled state of the art tanks.

Mr. Cammett, 295 & 297 Elm Street – Mr. Cammett, a direct abutter of the property Mr. Mabardy is purchasing, spoke in favor of the town issuing the storage permit stating that he runs a first class, state of the art facility.

*Councilor Lavoie motioned to approve 2008-051 for underground storage of 30 thousand gallons of gasoline and diesel subject to the express approval of the Fire Chief and compliance with all other Amesbury licensing requirements.*

*Voted - Unanimous*

**2008-052** Subway, 105 Main St. – Common Victualler (transfer)

*Councilor Ferguson motioned to continue to the September Council meeting because no representative from Subway attended the meeting. Councilor Neale second*

*Voted – Unanimous*

**2008-057** Glenn's Kreme & Kone, Town Ways – Common Victualler

Glen Vetrano, 242 Lawrence Rd., Salem Ma. – Mr. Vetrano states his company is looking to have a push cart under the archway in Market Square between 10am – 2pm each day. While working fairs in town he has talked to people downtown about the idea of a push cart and received positive feedback. Mr. Vetrano asked the council if they thought the idea would work. Councilor Neale thought visibility might be an issue if the cart is too far under the archway.

*Councilor Ferguson motioned to accept 2008-057, Councilor Dunford second.*

*Voted – Unanimous*

### **Mayoral Appointments**

**2008-053** Appoint Bradford W. Swanson member Board of Assessors term to expire 6/30/11

Bradford Swanson states he been the Assistant Assessor for the town of Middleton since 2000. He has worked in the re-evaluation industry for different communities. He feels he would be an asset for the community.

*Councilor Sherwood motions to accept the appointment of Mr. Swanson to the Board of Assessors, Councilor Dunford second.*

*Voted - Unanimous*

**2008-055** Appoint Todd McGrath member Board of Health term to expire 6/30/11

Mr. McGrath sees this appointment as being a member of a team to further public education and prevention, protect the water supply, public housing, title 5, public health nursing and food and restaurant management. He is a life long resident of Amesbury and would like to assist the Board with its work.

*Councilor Neale motioned to accept 2008-055 as submitted, Councilor Chatigny second.*

*Voted - Unanimous*

**2008-056** Appoint Mary A. Hichborn member Cultural Council term to expire 6/30/11

Mary Hichborn is a retired educator from Reading interested in cultural activities, she would like to draw on her experiences and apply them to Amesbury.

*Councilor Ferguson motioned to accept 2008-056 as submitted, Councilor Chatigny second.*

*Voted - Unanimous*

**2008-060** Appoint Robert LaPlante member Cultural Council term to expire 6/30/11

Mr. LaPlante retired to Amesbury and has been interested in getting involved in the community. He volunteers with the Friends of the Library and is looking for more ways to get involved.

*Councilor Chatigny motioned to accept 2008-060 as submitted, Councilor Ferguson second.  
Voted - Unanimous*

## **Second Readings**

**2008-025** An Order to increase the Councilor's salary to \$5,000 and Council President to \$5,500 – Councilor Lavoie sponsor con't.

President Benson read the recommendation of the Finance Committee to change the amount of the salaries to \$3,000 for the Councilors and \$4,000 for Council President. The vote was 7 Yes, 2 No Chatigny and Dunford.

Councilor Lavoie states the Amesbury Councilors are the lowest paid in the region if not the state. Although none of the Councilors ran for office based on the salary he believes it comes down to the question; what level of sacrifice does a municipality expect its elected officials to bear? The current salary was set 1996 with the expectation that it would be adjusted and he believes it is time.

President Neale personally did not realize how many days being a councilor would take him away from his normal job. He feels \$3,000 would at least recompense him for the days he has to take off.

Councilor Ferguson is honored to serve as a councilor and didn't run for the money. She has had to take 5 days off from work so far and sometimes she attends 3 and 4 meeting a week. She will definitely support \$3,000.

Councilor Dunford voted against the raise at the Finance Committee meeting however; will vote for it now. He has always been concerned that there are not enough people running for office. There were six people running unopposed in the last election. If the raise would increase the number of people running for office he feels it would be a success.

Councilor Chatigny disagrees with the salary she feels it is all about the public service and the civil service.

President Benson supports the raise; the pay should be commensurate with the responsibility. The proposed finance committee recommendation still won't bring the salary to where he believes it should be but it is a start.

*Councilor Lavoie motions to waive any rule restricting members of the public to speak on this matter, Councilor Dunford second – Voted – Unanimous*

Ann Connolly King, 125 Belmont Street – Ms. King states serving on the council takes an incredible amount of time and work. The people on the council do a huge service to the community and should be compensated. She believes a higher salary would attract more people to run for office.

Mario Pinierio, 4 Gardner Street – Mr. Pinierio supports the Finance Committee recommendation, \$3,000 for councilors and \$4,000 for council president.

Councilor Lavoie motioned the Finance Committee recommendation on 2008-025, increase Councilor's pay to \$3,000 and Council President's pay to \$4,000 be approved, Councilor Neale second  
Roll Call Vote – 8 Yes, 1 No (Chatigny)

### **Late File**

**2008-062** Appointment of Rachel Kohn member of the Cultural Council – term to expire 6/30/11  
Councilor Neale motioned to accept late file, Councilor Ferguson second – Voted Unanimous

Rachel Kohn – Ms. Kohn has extensive experience as a public health consultant including grant review and writing. She is an artist and feels she would be able to make a contribution to the committee.

*Councilor Ferguson motions to accept 2008-062, Councilor Neale second  
Voted - Unanimous*

### **Public Hearing**

**2008-048** Amend Amesbury Zoning Map – Mayor Kezer sponsor cont.  
Councilor Gilday read the recommendation of the Ordinance Committee. Councilor Lavoie motioned to refer 2008-048 back to the Municipal Council with a recommendation that it pass as submitted. Mr. Johnson seconded and it was voted Unanimous.

Nipun Jain read the recommendation of the Planning Board to approve. At the meeting of July 7, 2008 the Planning Board voted as follows:  
Motion of John McDonald to recommend adoption of 2008-048 to amend Amesbury Zoning map as presented motion second by Curtis Wollitz.

President Benson opened the public hearing.

Councilor Sherwood states that 2008-048 was referred to the Master Plan as well. The Master Plan was unable to make a recommendation in a timely manner. He will be making a motion that a vote be taken without the Master Plan recommendation.

Nipun Jain, Town Planner – Mr. Jain explains the amendment was proposed to correct the many parcels that have split zones in CBD and IC and to keep consistent with the Master Plan. He states the property owners whose property this zoning change will effect are in favor of the change.

Councilor Neale states this change will essentially bring a lot of none conforming lots into conformance which he believes is a plus.

Councilor Lavoie motions to approve 2008-048 with the recommendation of the Planning Board and the Ordinance Committee and waive the recommendation of the Master Plan, Councilor Chatigny second.  
Roll Call Vote – Unanimous

President Benson closed the public hearing.

**2008-050** Adopt Wetlands Protection Ordinance – Mayor Kezer sponsor cont.  
Councilor Gilday read the recommendation of the Ordinance Committee as follows:

Mr. Graham motioned to refer 2008-050 back to the Municipal Council with a recommendation of approval with a further recommendation that the Council request Attorney John Whitten to draft language requiring the Conservation Commission relative to certificates of compliance to act on any petition for a certificate of compliance or a partial certificate no later than 60 days from the filing of the request for the certificate. Upon failure to do so within such timeframe the certificate shall be deemed to have been granted and the recording at the registry of deeds of a Town Clerk certificate reciting that no such action occurred within such time shall be deemed a release of the order of conditions or words to that effect or such other words as Attorney Whitten may deem appropriate similar to the subdivision control law automatic approval or constructive approval. One further recommendation to draft additional language regarding section 2 #3 under Jurisdiction relative to any isolated vegetative wetland that so long as such wetland is not created or caused by the neglect of the Town of Amesbury to properly maintain water/sewer or drainage systems as obligated by law or by agreement to maintain.

Councilor Sherwood seconded the motion and it was IN Favor (4) OPPOSED (1) Lavoie

Dayle Bell, Permit Coordinator, read the recommendation of the Conservation Commission as follows:

Motion by Barbara Gard to recommend adoption of 2008-050 The Amesbury Wetlands Protection Ordinance with the recommendations of the Ordinance Committee and the following:

Page 1, second paragraph of section 4, second line revised to read “required by this ordinance or ordinances of the City”

Planning Board recommendation as follows:

At the meeting of July 7, 2008 motion by John McDonald to recommend adoption of 2008-050, The Amesbury Wetlands Protection Ordinance with the recommendations of the Ordinance Committee and the Conservation Commission.

Attorney John Witten gave an overview of the most notable change between the current proposed and the existing Wetlands Protection Ordinance.

Councilor Sherwood asked the Chair of the Conservation Commission if the 60 day period is reasonable and wouldn't be a burden on the commission to act within that time frame.

Cory Riley, Chair Conservation Commission – Ms. Riley stated the 60 day period would cover two months in the event a month went by with out a meeting. She also wants to make clear they could accept or deny a certificate of compliance in the 60 days based on lack of information. She wanted the council to know she fully supports the adoption of 2008-050.

President Benson closed the public hearing.

Councilor Lavoie motioned that the council amend and restate in its entirety the current local wetlands protection ordinance by replacing Article 34 of the current town bylaws also known as the Wetlands Protection Bylaw which was inserted by Article 15 of the November 13, 1995 Town Meeting with the document entitled Amesbury Wetlands Protection ordinance which is date stamped June 26, 2008 by

the town clerks office and is attached to a two page e-mail style memorandum. With the exception that where ever the term "city" or "city of Amesbury" appears that it be substituted with the term "Amesbury" that the word jurisdiction appearing on page 1, section II be correctly spelled and to dispense with any requirement of a recommendation from the Master Implementation and Oversight Committee, Councilor McMilleon second.

Roll Call Vote - Unanimous

### First Reading

Late File

**2008-054** Accept \$7,500 grant from the Amesbury Health Care Charitable Trust – Mayor Kezer sponsor

Councilor Ferguson motions to accept late file 2008-054, Councilor Lavoie second – Voted Unanimous

Councilor Neale motioned to refer 2008-054 to the Finance Committee July 22<sup>nd</sup>, Councilor Sherwood second. – Voted Unanimous

**2008-058** Accept Quitclaim deed for 7 Morsecroft Lane – Mayor Kezer sponsor

Councilor Lavoie motioned to accept late file 2008-058, Councilor Sherwood second – Voted Unanimous

Councilor Neale motioned to refer 2008-058 to the Conservation Commission, Ordinance Committee and Planning Board, Councilor Lavoie second – Voted Unanimous

**2008-059** Surplus Equipment from Amesbury High School – Mayor Kezer sponsor

Councilor Dunford motioned to accept late file 2008-059, Councilor Ferguson second – Voted Unanimous

Councilor Ferguson motioned to refer 2008-059 to the Finance Committee and schedule a public hearing, Councilor McMilleon – Voted Unanimous

**2008-061** A Request to accept Riverfront Drive and Cabot Court for Ownership by the Public as a Public Way – Mayor Kezer sponsor

Councilor Lavoie motioned to accept 2008-061 as a late file, Councilor Neale second – Voted Unanimous

Councilor Lavoie motioned to refer 2008-051 to the Planning Board and the Ordinance Committee, Councilor Neale second. – Voted Unanimous

Councilor McMilleon motioned to adjourn, Councilor Neale second. – Voted unanimous

Adjournment 8:50PM

Respectfully submitted,  
Assistant Town Clerk

